

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

YEGRAOWO OGBECHE
Plaintiff,

v.

**HYDROCHEM INDUSTRIAL
SERVICES, INC.**
Defendants.

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CAUSE NO. 22-cv-1590

**DEFENDANT HYDROCHEM LLC's
NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF SAID COURT:

Please take notice that DEFENDANT HYDROCHEM LLC, INCORRECTLY SUED AS HYDROCHEM INDUSTRIAL SERVICES, INC., (hereinafter "Defendant") hereby removes the State Court action described below, pursuant to 28 U.S.C. §§ 1332(a)(1), 1441(b)(1) and 1446. In support of the removal and in accordance with codified requirements of 28 U.S.C. §§ 1446(a), (b)(1), Defendant states as follows:

1. Defendant was named in a civil action brought by YEGRAOWO OGBECHE (hereinafter "Plaintiff,") against Defendant on May 22, 2022, styled YEGRAOWO OGBECHE v. HYDROCHEM INDUSTRIAL SERVICES, INC.; Cause No. 2022-26205; In the 151st Judicial District Court of Harris County, Texas. Pursuant to the provisions 28 U.S.C. §§1441 and 1446, Defendant removes this action to the United States District Court for the Southern District of Texas, Houston Division, which is the judicial district and division in which the action is pending.

2. Plaintiffs contend in the State Court civil action that they suffered personal injuries resulting from an automobile collision on or about March 1, 2022. A copy of Plaintiff's Original Petition filed in the State Court civil action is attached hereto as Exhibit "A."

3. No other parties have been named or appeared in the State Court Action.

4. Defendants attached all process, pleadings, and orders in the State Court action which have been served upon them, as required by 28 U.S.C. §1446(a), as Exhibit "B."

JURISDICTION AND VENUE

5. The action is a civil action of which this Court has original jurisdiction under Title 28 U.S.C. §1332 (Diversity Jurisdiction), and is one which may be removed to this Court pursuant to Title 28 U.S.C. §1441. There is complete diversity of citizenship amongst the parties.

6. Pursuant to Plaintiff's Original Petition, Plaintiff is an individual resident of Missouri [City], Fort Bend County, Texas.

7. With respect to Defendant HydroChem Industrial Services, Inc., it is non-existent, and the correct Defendant is HydroChem LLC. HydroChem LLC is a Delaware Limited Liability Corporation with its principal place of business in Norwell, Massachusetts. Therefore, for purposes of diversity, HydroChem LLC is a citizen of Massachusetts.

8. Venue is proper in the Southern District of Texas, Houston Division, because this district and division embrace Fort Bend County, Texas, the place in which the State Court action is pending.

9. This Notice of Removal is filed within 30 days of Defendant's receipt of Plaintiff's Original Petition, and within one year of the commencement of the action, so it is timely filed under 28 U.S.C. §§1446 (b)(3) and 1446(c).

10. Additionally, this Court would have original subject matter jurisdiction of this action under the provisions of 28 U.S.C. §1332 if the action had originally been brought in Federal Court. Accordingly, Defendant may properly remove the State Court action pursuant to 28 U.S.C. §1441.

11. The amount in controversy exceeds \$75,000.00 as evidenced by paragraph 30 of Plaintiff's Original Petition wherein Plaintiff pleads and judicially admits he seeks "monetary relief in excess of \$1,000,000.00."

12. Defendant served written notice on Plaintiff of the filing of this Notice of Removal and has also served a true and correct copy with the State Court, as required by 28 U.S.C. §1446(d).

Respectfully submitted,

**WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER, L.L.P.**

By: /s/ Kent M. Adams

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**COUNSEL FOR DEFENDANT
HYDROCHEM LLC,
INCORRECTLY SUED AS
HYDROCHEM INDUSTRIAL SERVICE**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing instrument has been duly and properly served upon all counsel herein in accordance with the Texas Rules of Civil Procedure, on this the 19th day of May, 2022.

By: /s/ Kent M. Adams
KENT M. ADAMS